

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:09 CR 509 JCH
)	
JAMES DOUGLAS CASSITY,)	
)	
Defendant.)	

**THE UNITED STATES' RESPONSE TO
DEFENDANT JAMES DOUGLAS CASSITY'S REQUEST
FOR RECOMMENDATION FOR COMPASSIONATE RELEASE**

COMES NOW the United States of America, by and through its attorneys, Carrie Costantin, Acting United States Attorney for the Eastern District of Missouri, and Steven A. Muchnick, Charles S. Birmingham, and Richard E. Finneran, Assistant United States Attorneys for said District, and asks this Court to deny the Request for Recommendation for Compassionate Release, docketed as a Motion to Reduce Sentence, by James Douglas Cassity (Doc. #862). In support, the United States sets forth the following:

1. On April 10, 2017, this Court received a document titled "Request for Recommendation for Compassionate Release" (Doc. #862) (the "Request"). The Request was apparently authored by Defendant James Douglas Cassity.

2. That same day, the clerk docketed the Request as a "Motion to Reduce Sentence." The Request, however, is addressed to the Warden of Marion Federal Prison and is not styled as a motion. As such, it is not clear that any motion for relief has properly been brought before this Court.

3. Should the Court elect, however, to treat the Request as a motion, it should deny it, because the Defendant has not pursued the proper avenue to permit this Court to revisit its final judgment and sentence in this case, even if it were inclined to do so.

4. Except in cases involving substantial assistance by a defendant, this Court has only limited jurisdiction to reduce a defendant's sentence. Title 18, United States Code, Section 3582(c) provides that "the court may not modify a term of imprisonment once it has been imposed" except "upon motion of the Director of the Bureau of Prisons." Since no such motion has been filed here, this Court lacks the power to grant the relief that Defendant requests.

WHEREFORE the United States prays that the Court deny Defendant James Douglas Cassity's Request for Recommendation of Compassionate Release, and for such other and further relief as the Court deems just and proper.

Dated: April 12, 2017

Respectfully submitted,

CARRIE COSTANTIN
Acting United States Attorney

/s/ Richard E. Finneran
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CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record. A copy of the foregoing shall also be mailed via U.S. mail, postage prepaid and addressed to the following:

James Douglas Cassity, Prisoner No. 02005-045
Marion Federal Prison Camp
P.O. Box 2000
Marion, IL 62959

/s/ Richard E. Finneran
RICHARD E. FINNERAN, #60768MO
Assistant United States Attorney